



Sen. Iris Y. Martinez

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09600HB2266sam001

LRB096 10590 RLC 25843 a

1 AMENDMENT TO HOUSE BILL 2266

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2266 by replacing  
3 lines 6 through 23 on page 1, all of page 2, and lines 1 through  
4 6 on page 3 with the following:

5 "(720 ILCS 5/10-5.5)

6 Sec. 10-5.5. Unlawful visitation or parenting time  
7 interference.

8 (a) As used in this Section, the terms "child", "detain",  
9 and "lawful custodian" shall have the meanings ascribed to them  
10 in Section 10-5 of this Code.

11 (b) Every person who, in violation of the visitation,  
12 parenting time, or custody time provisions of a court order  
13 relating to child custody, detains or conceals a child with the  
14 intent to deprive another person of his or her rights to  
15 visitation, parenting time, or custody time shall be guilty of  
16 unlawful visitation or parenting time interference.

17 (c) A person committing unlawful visitation or parenting

1 time interference is guilty of a petty offense. However, any  
2 person violating this Section after 2 prior convictions of  
3 unlawful visitation interference or unlawful visitation or  
4 parenting time interference is guilty of a Class A misdemeanor.

5 (d) Any law enforcement officer who has probable cause to  
6 believe that a person has committed or is committing an act in  
7 violation of this Section shall issue to that person a notice  
8 to appear.

9 (e) The notice shall:

10 (1) be in writing;

11 (2) state the name of the person and his address, if  
12 known;

13 (3) set forth the nature of the offense;

14 (4) be signed by the officer issuing the notice; and

15 (5) request the person to appear before a court at a  
16 certain time and place.

17 (f) Upon failure of the person to appear, a summons or  
18 warrant of arrest may be issued.

19 (g) It is an affirmative defense that:

20 (1) a person or lawful custodian committed the act to  
21 protect the child from imminent physical harm, provided  
22 that the defendant's belief that there was physical harm  
23 imminent was reasonable and that the defendant's conduct in  
24 withholding visitation rights, parenting time, or custody  
25 time was a reasonable response to the harm believed  
26 imminent;

1           (2) the act was committed with the mutual consent of  
2 all parties having a right to custody and visitation of the  
3 child or parenting time with the child; or

4           (3) the act was otherwise authorized by law.

5           (h) A person convicted of unlawful visitation or parenting  
6 time interference shall not be subject to a civil contempt  
7 citation for the same conduct for violating visitation,  
8 parenting time, or custody time provisions of a court order  
9 issued under the Illinois Marriage and Dissolution of Marriage  
10 Act.

11           (Source: P.A. 88-96.)"; and

12           on page 5, lines 7 and 8, by replacing "parenting time  
13 ~~visitation~~" with "visitation or parenting time".